

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALFONSO GONZALEZ-CONTRERAS,  
aka Poncho,

Defendant - Appellant.

No. 03-10521

D.C. No. CR-02-00026-JSU

**JUDGMENT**

**FILED**

DISTRICT COURT OF GUAM

SEP 21 2005

MARY L.M. MORAN  
CLERK OF COURT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEANNE FERN CONTRERAS,

Defendant - Appellant.

No. 03-10541

D.C. No. CR-02-00026-JSU

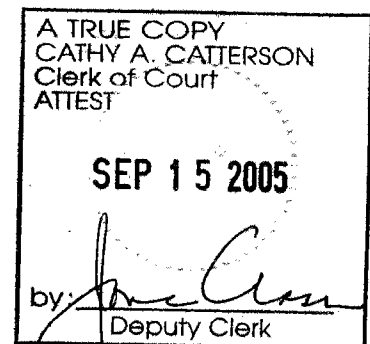
**JUDGMENT**

Appeal from the United States District Court for the District Of Guam  
(Hagatna).

This cause came on to be heard on the Transcript of the Record from the  
United States District Court for the District Of Guam (Hagatna) and was duly  
submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is **AFFIRMED; REMANDED.**

Filed and entered 08/10/05



**AUG 10 2005****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****FOR THE NINTH CIRCUIT****UNITED STATES OF AMERICA,**

Plaintiff - Appellee,

v.

**ALFONSO GONZALEZ-  
CONTRERAS, AKA PONCHO,**

Defendant - Appellant.

No. 03-10521

D.C. No. CR-02-00026-JSU

**MEMORANDUM\*****UNITED STATES OF AMERICA,**

Plaintiff - Appellee,

v.

**LEANNE FERN CONTRERAS,**

Defendant - Appellant.

No. 03-10541

D.C. No. CR-02-00026-JSU

Appeal from the District Court of Guam  
John S. Unpingco, District Judge, Presiding

---

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Submitted May 9, 2005\*\*  
Honolulu, Hawaii

Before: **D.W. NELSON, KOZINSKI and BEA**, Circuit Judges.

I. Appeal of Defendant Leanne Fern Contreras

1. Venue was proper in Guam. Defendant had several telephone conversations with an undercover officer located in Guam in connection with the money laundering conspiracy. During these conversations, she discussed arrangements for the officer to deposit funds into her bank accounts and furnished the officer with bank account numbers. See 18 U.S.C. § 3237(a); United States v. Meyers, 847 F.2d 1408, 1411 (9th Cir. 1988) (“[V]enue is appropriate in any district where an overt act committed in the course of the conspiracy occurred.”) (quoting United States v. Schoor, 597 F.2d 1303, 1308 (9th Cir. 1979) (internal quotation marks omitted)).

2. Defendant claims there was no “enabling legislation” permitting her case to be transferred from California to Guam, but this is incorrect. See 48 U.S.C. § 1424 (the District Court of Guam has the “jurisdiction of a district court of the United States”); 18 U.S.C. § 3237(a). Because the District Court of Guam had

---

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

jurisdiction over the case and venue was proper, defendant could lawfully be tried there without any waiver on her part.

3. The district court properly denied the requests for jury instructions on the undercover officer's role in the conspiracy, duress and coercion, entrapment and withdrawal. There was no evidence that would have allowed a reasonable juror to find in defendant's favor on any of these issues. See, e.g., Mathews v. United States, 485 U.S. 58, 63 (1988).

4. There was sufficient evidence to support the jury's implicit finding that defendant possessed the requisite intent to commit the crime of money laundering. See Jackson v. Virginia, 443 U.S. 307, 319 (1979).

5. The district court did not err in calculating defendant's sentence. Defendant argues that her maximum offense level was 30. But defendant ignores U.S.S.G. § 2S1.1(b)(2)(B), pursuant to which the district court properly adjusted defendant's offense level to 32.

6. We do not order a limited remand of defendant's sentence pursuant to United States v. Ameline, 409 F.3d 1073, 1084 (9th Cir. 2005) (en banc), because she does not request one.

## II. Appeal of Defendant Alfonso Gonzalez-Contreras

1. Venue was proper in Guam. Defendant had multiple telephone conversations with the undercover officer located in Guam during which the two discussed the drug and money laundering conspiracies, and defendant arranged for shipments of drugs to be sent to Guam. See 18 U.S.C. § 3237(a); Meyers, 847 F.2d at 1411.

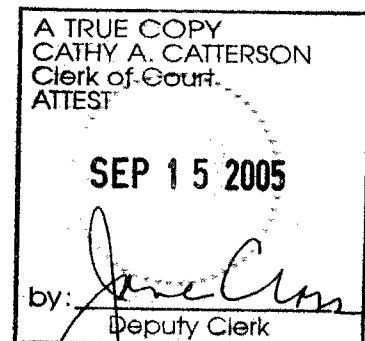
2. Sufficient evidence supported defendant's conviction for drug importation. See Jackson, 443 U.S. at 319. The jury heard evidence that defendant imported some drugs from Mexico to California before sending them on to Guam.

3. Defendant argues that his sentence was improperly enhanced based on the judge's determination that defendant played a supervisory role in the criminal enterprise. See United States v. Booker, 125 S. Ct. 738 (2005). However, defendant did not raise a Sixth Amendment objection to his sentence below. Consistent with Ameline, 409 F.3d at 1084, and pursuant to defendant's request, we order "a limited remand to the district court . . . for the purpose of ascertaining

whether the sentence imposed would have been materially different had the district court known that the sentencing guidelines were advisory.” Id. at 1074.

### III. Conclusion

Defendant Leanne Fern Contreras’s conviction and sentence are **AFFIRMED**. Defendant Alfonso Gonzalez-Contreras’s conviction is **AFFIRMED**. As to defendant Gonzalez-Contreras’s sentencing challenge, we **REMAND** for proceedings consistent with this disposition.



INTERNAL USE ONLY: Proceedings include all events.  
03-10521 USA v. Gonzalez-Contreras

UNITED STATES OF AMERICA  
Plaintiff - Appellee

Karon V. Johnson, AUSA  
FAX 671/472-7334  
671/472-7332 ext.148  
Suite 500  
[COR LD NTC aus]  
Sirena Plaza  
108 Hernan Cortez Avenue  
Hagatna, GU 96910

v.

ALFONSO GONZALEZ-CONTRERAS,  
aka Poncho  
Defendant - Appellant

Howard Trapp, Esq.  
FAX 671/477-2040  
671/477-7000  
Suite 200  
[COR LD NTC cja]  
139 Chalan Santo Papa  
200 Saylor Building  
Hagatna, GU 96910



INTERNAL USE ONLY: Proceedings include all events.  
03-10541 USA v. Contreras

UNITED STATES OF AMERICA  
Plaintiff - Appellee

Karon V. Johnson, AUSA  
FAX 671/472-7334  
671/472-7332 ext.148  
Suite 500  
[COR LD NTC aus]  
Sirena Plaza  
108 Hernan Cortez Avenue  
Hagatna, GU 96910

v.

LEANNE FERN CONTRERAS  
Defendant - Appellant

Sandra D. Lynch, Esq.  
808/456-4704  
[COR LD NTC cja]  
C/O CDR. EDWARD LYNCH  
NAVLEGSERVOFS  
PACDET PEARL HARBOR  
Box 64  
Pearl Harbor, HI 96860-5110